

Application No. 10/807,402
AMENDMENT dated August 20, 2008
Reply to Office Action of March 20, 2008

AMENDMENTS TO THE DRAWINGS

In the Office Action, the Examiner alleged the informal drawings are not of sufficient quality to permit examination. Formal drawings are submitted herewith.

Attachments: Replacement Sheets, Figures 1-6

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REMARKS

Claims 3 and 18, dependent from claims 1 and 11, respectively, have been canceled and incorporated into their independent claims. Claims 8, 14, and 24 have been amended to address the § 112 rejections. Claims 9, 19 and 23 have been amended to correct typographical errors. Claims 6 and 22 are canceled without prejudice. Claims 2 and 15-17 had previously been canceled. Claims 28 and 29 had been previously withdrawn. Thus, claims 1, 4-5, 7-14, 19-21 and 23-27 are currently pending in this application.

Replacement sheets containing Figures 1-6 are submitted with this Amendment. Applicants respectfully request that the objection to the drawings be withdrawn.

Claims 8 and 24 stand rejected under 35 U.S.C. § 112, first paragraph. These claims have been amended to address this rejection.

Claims 1-27, and in particular claims 6, 14 and 22, were rejected under 35 U.S.C. § 112, second paragraph. Claim 14 has been amended and claims 6 and 22 have been canceled to address this rejection.

Claims 1, 3-7 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,686,128 to Tracy. Claims 1, 3-4, 6, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,486,163 to Pfeilstetter. Claims 1, 4, 6, and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,328,550 to Sheen. Each of these rejections is respectfully traversed.

None of the references relied upon in the Office Action for the § 102 rejections disclose all of the limitations recited in independent claim 1, including an extrusion head including: "an outer horn having an outer horn passageway extending a first axial length from an outer horn inlet to an outer horn outlet, wherein the outer horn passageway tapers inwardly in cross sectional shape along the entire first axial length, and an inner horn located co-axially inside and circumferentially separated from the outer horn to define the outer horn passageway therebetween, wherein the inner horn has an inner horn passageway extending a second axial

length from an inner horn inlet to an inner horn outlet wherein the inner horn passageway has a substantially constant cross sectional diameter along the entire second axial length, and wherein the inner horn outlet is located axially within the outer horn passageway". An example of such an extrusion head is illustrated in Figure 3 of the present application.

Claim 1 excludes an outer horn having a non-tapered portion adjacent its outlet. Tracy specifically discloses that its protruding tip 15 has a non-tapered end portion, with reference to Figure 3 (Col. 6, ll. 12-22).

Claim 1 recites that the inner horn outlet be within the outer horn passageway. Pfeilstetter specifically discloses that its filling tube 9 extends through the extruder nozzle [and]... discharges at a distance of 40 cm from the extrusion nozzle, with reference to Figure 1 (Col. 3, ll. 13-16).

Claim 1 recites an inner horn passageway of substantially constant cross sectional diameter. Sheen specifically discloses an inner extrusion segment as depicted in Figures 8-10 and 15-17, having an inner pathway and exterior surface showing substantial tapering corresponding to the inner wall of the outer extrusion segment.

Claims 10-14, 18-20, 22-23, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracy in view of U.S. Patent Application Publication No. 2002/0122858 A1 to Baras. Claims 10-14, 18-20, 22-23, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Pfeilstetter in view of Baras. Claims 10-14, 18-20, 22-23, and 25-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sheen in view of Baras. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracy, Pfeilstetter, or Sheen in view of U.S. Patent No. 6,001,400 to Burger. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracy, Pfeilstetter, or Sheen in view of Baras, in view of Burger. Claim 21 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracy, Pfeilstetter, or Sheen in view of Baras, and further in view of U.S. Patent No. 4,332,538 to Campbell. Each of these rejections is respectfully traversed.

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In regard to independent claim 11, each of the references cited in the § 102 rejection are cited in reference to the § 103 rejection, each in view of Baras. Baras teaches a method of making bagel products, however as indicated in the Office Action, "Baras simply did not describe the extrusion means in any detail" (pgs. 6-8). However, for the same reason as discussed above with respect to claim 1, each of Tracy, Pfeilstetter, and Sheen fail to disclose all of the features of claim 11, and their combination with Baras will also fail to disclose or suggest all of the features of claim 11.

Additionally, claim 11 has been amended to recite "the extrusion head provides reduced dough shear compared to an extrusion head comprising at least one of: a non-tapered portion of an outer horn passageway and an inner horn outlet outside of an outer horn passageway." Support for this amendment can be found in paragraphs [0014]-[0017], [0047]-[0048] and Example 1&2. As the cited references have been shown to not meet these limitations, they will not provide the reduced dough sheer as recited in the present claim.

Given the above discussion with respect to independent claims 1 and 11, it is respectfully submitted that claims 4-5, 7-10, dependent from claim 1, and claims 12-14, 19-21, and 23-27 dependent from claim 11, are patentable over the applied references.

In view of the foregoing comments, reconsideration and allowance of the pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required with respect to this communication, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,
FITCH, EVEN, TABIN & FLANNERY

Dated: August 20, 2008

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Appendix